

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mordechai M. Beizer, Daniel Berg, Rand Scullard, Pradeep R. Simha and
Mark A. Solomon

Application No.: 09/136,244 Group: 3624
Filed: August 19, 1998 Examiner: Ella Colbert
For: STRUCTURED WORKFOLDER

CERTIFICATE OF MAILING OR TRANSMISSION	
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10/9/03	<i>Pamela Sarno</i>
Date	Signature
<i>PAMELA SARNO</i>	
Typed or printed name of person signing certificate	

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
FOR FAILURE TO RESPOND TO AN OFFICE ACTION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the telephone conversation with Examiner Colbert for failure to respond to the Office Action dated January 31, 2003 in the above-identified application, please withdraw the holding of abandonment in view of the fact that the subject Office Action was not received at this office.

The undersigned states that the Office communication was not received by the undersigned and attests to the fact that a search of the file jacket and docket records indicates that

the Office communication was not received. A copy of the mail log where the nonreceived Office communication would have been entered had it been received is attached as Exhibit 1. Client docket numbers and comments in this mail log have been redacted for purposes of client confidentiality.

In consideration of the above statement, it is respectfully requested that the holding of abandonment be withdrawn, that the outstanding Office Action be reissued, and that the period for response be restarted.

Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter. One additional copy of this petition is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mary Lou Wakimura

Mary Lou Wakimura

Registration No. 31,804

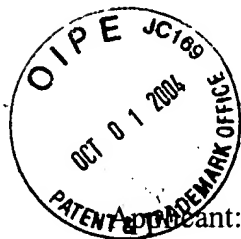
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Concord, MA 01742-9133

Date: 10/9/03

VAC
grw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$29

Applicant: Mordechai M. Beizer, Daniel Berg, Rand Scullard, Pradeep R. Simha and Mark A. Solomon

Application No.: 09/136,244

Group: 3624

Filed: August 19, 1998

Examiner: Ella Colbert

Confirmation No.: 1470

For: STRUCTURED WORKFOLDER

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OCT 7 2004

GROUP 3600

Date: OCTOBER 1, 2004

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
FOR FAILURE TO RESPOND TO AN OFFICE ACTION


Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Abandonment for failure to respond to the Office Action dated September 20, 2004 in the above-identified application, please withdraw the holding of abandonment in view of the fact that the subject Office Action was not received at this office.

The undersigned states that the Office communication was not received by the undersigned and attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

Applicant's attorney received a telephone call from the Examiner on September 24, 2003, in which the Examiner inquired if the Applicant had filed a response to a Final Office Action which was posted in PAIR as having been mailed on January 31, 2003. The Applicant's attorney responded as never having received the Final Office Action and requested the Examiner fax the Final Office Action to the Applicant's attorney. The Examiner faxed the Final Office Action to the Applicant's Attorney on September 24, 2003.

In response to the Final Office Action sent by facsimile on September 24, 2003 from the U.S. Patent and Trademark Office in the above-identified application, Applicant's attorney filed together (a) a Petition to Withdraw Holding of Abandonment and (b) an Amendment After Final Rejection on October 9, 2003, copies of which are attached as Exhibit 1, including a copy of the mail log where the non-received Office communication would have been entered had it been received. Client docket numbers and comments in this mail log have been redacted for purposes of client confidentiality. 

Although the Final Action was indicated in the USPTO PAIR system as having a mail date of January 31, 2003, Applicant's attorney learned in a telephone interview, on October 7, 2003 with the Examiner that, in fact, the Final Action was never mailed from the USPTO and the mail envelope and Final Action were still in the USPTO File Wrapper.

An advisory action was mailed to the Applicant on November 13, 2003 stating the Amendment filed on October 9, 2003 would not be entered because the application is in abandonment status and the application is being forwarded to the Board of Petitions for a decision.

Pursuant to a telephone conversation with the Examiner in May 2004, Applicant's attorney resent by facsimile, on May 18, 2004, a copy of the Petition to Withdraw Holding of Abandonment and Amendment After Final Rejection originally filed October 9, 2003. A copy of the USPTO's Auto-Reply Facsimile Transmission is attached as Exhibit 2.

On June 21, 2004, the Examiner contacted Applicant's attorney to review the status of the subject application as indicated in the PALM Patent Office system. The Examiner stated an entry for May 18, 2004 indicated "petition incoming".

Around September 16, 2004, the Examiner contacted Applicant's attorney to discuss the status of the subject application. In that telephone conversation, the Examiner indicated a first

Notice of Abandonment would be issued in the subject application. The first Notice of Abandonment was mailed to Applicant's attorney on September 20, 2004. The Notice of Abandonment, however, indicated the application was abandoned for Applicant's failure to timely file a proper reply to the Office letter mailed on November 22, 2002. The Applicant's attorney believes this is not the correct date and the correct date should have been January 31, 2003, which is the date the Final Office Action was supposed to have been mailed from the USPTO.


Attached as Exhibit 3 is a copy of the PAIR history of the subject application. There are no entries showing a November 2002 paper mailed from the USPTO in the instant case. With regard to Applicant's suggested corrected date of January 31, 2003 (i.e. the Final Office Action supposed mail date) as a basis of the Notice of Abandonment, a copy of the mail log where the non-received Office Communication (Final Office Action) would have been entered had it been received is found in Exhibit 1.

In consideration of the above statement, it is respectfully requested that the holding of abandonment be withdrawn, that the outstanding Office Action be reissued, that the period for response be restarted, and that the Amendment After Final be entered in response hereto to expedite examination of the subject application.

Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter. One additional copy of this petition is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Joseph M. Maraia
Registration No. 55,926
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 10/1/04

EXHIBIT 1

U.S. PTO MAIL RECEIVED BY HBS&R

Today's Date	Application/Pa tent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
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	10/060,927	01/29		
	09/432,617	01/27		
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	09/934,261	01/27		
	09/932,839	01/29/		
	60/429,513	01/29		
	10/097,106	01/30		
	60/405,098	01/30		
	6-393,008	01/30		
	10/196,332	01/29		
	10/033,195	01/28		
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	10/200,007	01/29		
	09/995,079	01/29		
	10/066,305	01/30		
	09/565,097	01/29		
	09/006,682	01/29		
	09/358,177	01/30		
	09/449,504	01/30		
	09/054,272	01/31		
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	09/021,242	01/29		
	09/325,119	01/29		
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	09/873,106	01/29		
	09/617,383	01/31		

U.S. PTO MAIL RECEIVED BY HBS&R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
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	76/292,193	01/28		
	76/372,130	01/29		
	76/389,798	01/29		
	6,451,347	01/28		
	76/371,523	01/29		
	09/006,108	01/29		
	10/201,578	01/24		
	08/461,651	01/29		
CEZ	09/735,802	12/24 (FAXED 1/14)		
2/4/03 NMC	09/076,776	1/31		
	09/716,738	1/31		
	09/474,630	1/28		
	10/319,195	1/30		
	10/319,170	1/31		
	09/820,587	1/28		
	09/981,586	1/31		
	N/A OPP # 91151770	1/30		
	OPP# 91152979	1/30		
	OPP# 91150790	1/30		

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	60/407,845	1/30		
	09/938,262	1/31		
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	10/187,468	1/29		
	09/611,197	1/31		
	60/331,352	1/30		
	60/405,685	1/30		
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	10/273,401	1/31		
	60/393,579	1/28		
	09/584,929	1/30		
	09/576,944	1/30		
	60/439,602	1/30		
	10/170,015	1/30		
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	10/268,598	1/30		
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U.S. PTO MAIL RECEIVED BY HBS&R

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	74/221,770	1/27		
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2/6/03 CEZ	76/185,937	1/30		
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	75/915,174	2/4		
	76/326,506	2/4		
	76/284,856	2/4		
	08/384,237	2/3		
	09/819,488	2/3		
	10/270,741	2/3		
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	09/104,314	1/30		
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	09/542,346	2/3		
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	10/325,791	02/04		
	10/319,198	02/05/		
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		2/5/		
		02/05		
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	2,654,617	02/04		
2/10/03 gjj	10/058,159	01/10/03		
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2/12/03 NMC	74/438,604	2/10		

U.S. PTO MAIL RECEIVED BY HBS&R

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2/14/03 NMC	09/616,643	2/11		
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U.S. PTO MAIL RECEIVED BY HBS&R

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U.S. PTO MAIL RECEIVED BY HBS&R

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U.S. PTO MAIL RECEIVED BY HBS&R

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Today's Date	Application/Pa tent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
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	76/192,468	2/8		
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	10/172,761	2/18		
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	09/618,304	2/14		
	10/278,738	2/14		
	10/142,728	2/14		

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	10/234,654	2/13		
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	09/828,744	2/20		

U.S. PTO MAIL RECEIVED BY HBS&R

Today's Date	Application/Pa tent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
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	10/273,402	2/19		
	10/334,455	2/19		
	10/336,055	2/21		
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	08/057,162	2/19		

U.S. PTO MAIL RECEIVED BY HBS&R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
2/24/03 (cont)	08/684,932	2/19		
	10/334,997	2/21		
	09/085,820	2/19		
	07/366,490	1/29		
	08/842,849	1/29		
	08/812,033	1/29		
	60/326,320	2/14		
	60/300,158	2/14		
	60/240,004	2/14		
	6,522,632	2/18		
	6,521,940	2/18		
	6,522,456	2/18		
	6,520,812	2/18		
	6,521,652	2/18		
02/25/03 M	08/061,482	1/29		
	08/021,752	1/15		
	09/290,049	2/21		
	10/268,051	2/20		
	09/447,021	2/21		
	09/966,755	1/30		
	09/941,238	2/19		
2/26/03 NMC	76/442,249	2/19		
	76/173,332	2/21		
2/27/03 CEZ	76/382,666	2/25		
	78/136,009	2/19		

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Today's Date	Application/Pa tent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
2/27/03 (cont)	76/107,123	2/21		
	-----	2/24		
02/28/03 M	10/083,703	2/25		
	09/669,181	2/24		
	10/317,838	2/24		
	09/963,880	2/24		
	10/032,431	2/24		
	09/549,855	2/24		
	09/862,57	2/24		
	10/084,843	2/24		
	10/178,180	2/24		
	08/925,214	2/25		
	76/383,698	2/25		
	76/256,667	2/22		
	09/988,496	2/20		
	09/540,088	02/24		
	09/844,078	02/24		
	60/410,727	2/13		
	09/429,999	2/25		
	09/685,462	2/25		
	09/531,755	2/25		
	09/902,334	2/25		
	09/400,136	2/25		

U.S. PTO MAIL RECEIVED BY HBS&R

Today's Date	Application/Pa tent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
	09/474,523	2/25		

EXHIBIT 2

Auto-Reply Facsimile Transmission



TO: Fax Sender at 1978 341 0136

Fax Information

Date Received:

Total Pages:

5/18/2004 12:41:41 PM [Eastern Daylight Time]

41 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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May-18-04 12:41pm From:HBSAR 1978-341-0136 T-784 P.01 F-891
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133
Telephone: (978) 341-0036 Facsimile: (978) 341-0136

CENTRAL LOCATION FACSIMILE COVER SHEET

Examiner: Colbert, Ella Group: 3624

Date: May 18, 2004

Client Code: 3109

Facsimile No.: 703-872-9306

From: Joseph M. Murais, Esq.

Subject: Docket No.: 3109.1000-002

Applicants: Mordechai M. Beizer, et al

Serial No.: 09/136,244

Filing Date: August 19, 1998

Number of pages including this cover sheet: 41

Please confirm receipt of facsimile: Yes ☒ No ☐

Comments:

Enclosed are:

- 1) Cover letter
- 2) Amendment Fee Transmittal
- 3) Amendment After Final Rejection under 37 C.F.R. § 1.116
- 4) Petition to Withdraw Holding of Abandonment for Failure to Respond to an Office Action
- 5) Exhibit 1: HBSR Mail Log of USPTO mail received

@FPO:top: DDMA/MHODMA/HBSR05;Message:175940,1

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EXHIBIT 3

**PATENT APPLICATION INFORMATION RETRIEVAL**

Search results as of: 9-30-2004::18:14:23 E.T.

Search results for application number: 09/136,244			
Application Number:	09/136,244	Customer Number:	21005
Filing or 371(c) Date:	08-19-1998	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	09-17-2004
Examiner Name:	COLBERT, ELLA	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3624	Location Date:	09-20-2004
Confirmation Number:	1470	Earliest Publication No:	US 2002-0059325 A1
Attorney Docket Number:	76179DAN	Earliest Publication Date:	05-16-2002
Class/ Sub-Class:	707/203	Patent Number:	-
First Named Inventor:	MORDECHAI M. BEIZER, SCARSDALE, NY (US)	Issue Date of Patent:	-
Title Of Invention:	STRUCTURED WORKFOLDER		

Search Options

Assignments
Continuity Data

File History	
Date	Contents Description
09-20-2004	Mail Abandonment for Failure to Respond to Office Action
09-17-2004	Abandonment for Failure to Respond to Office Action
05-18-2004	Workflow incoming petition IFW
05-18-2004	Workflow incoming amendment IFW
11-13-2003	Mail Advisory Action (PTOL - 303)
11-12-2003	Advisory Action (PTOL-303)
10-22-2003	Mail Examiner Interview Summary (PTOL - 413)
10-07-2003	Examiner Interview Summary Record (PTOL - 413)
01-31-2003	Mail Final Rejection (PTOL - 326)
01-29-2003	Final Rejection
12-04-2002	Date Forwarded to Examiner
11-19-2002	Response after Non-Final Action
08-13-2002	Mail Non-Final Rejection
08-07-2002	Non-Final Rejection
06-11-2002	Date Forwarded to Examiner
05-29-2002	Request for Continued Examination (RCE)
06-11-2002	Express Abandonment (for Entry of CPA / RCE / Rule129)
05-29-2002	Workflow - Request for RCE - Begin
05-17-2002	Mail Examiner Interview Summary (PTOL - 413)

04-29-2002	Examiner Interview Summary Record (PTOL - 413)
05-07-2002	Date Forwarded to Examiner
04-30-2002	Amendment after Final Rejection
04-23-2002	Case Docketed to Examiner in GAU
03-01-2002	Mail Final Rejection (PTOL - 326)
02-25-2002	Final Rejection
12-10-2001	Date Forwarded to Examiner
12-04-2001	Response after Non-Final Action
12-04-2001	Mail Miscellaneous Communication to Applicant
12-03-2001	Miscellaneous Communication to Applicant - No Action Count
11-28-2001	Examiner Interview Summary Record (PTOL - 413)
09-27-2001	Mail Non-Final Rejection
09-24-2001	Non-Final Rejection
07-17-2001	Date Forwarded to Examiner
06-29-2001	Response after Non-Final Action
06-05-2001	Mail Non-Final Rejection
06-04-2001	Non-Final Rejection
03-20-2001	Date Forwarded to Examiner
03-13-2001	Continuing Prosecution Application - Continuation (ACPA)
03-13-2001	Mail Express Abandonment (During Examination)
03-13-2001	Express Abandonment (during Examination)
03-13-2001	Workflow - Request for CPA - Finish
03-13-2001	Request for Extension of Time - Granted
03-13-2001	Workflow - Request for CPA - Begin
02-27-2001	Mail Advisory Action (PTOL - 303)
02-27-2001	Advisory Action (PTOL-303)
02-27-2001	Case Docketed to Examiner in GAU
02-21-2001	Date Forwarded to Examiner
01-24-2001	Amendment after Final Rejection
01-23-2001	Correspondence Address Change
10-23-2000	Mail Final Rejection (PTOL - 326)
10-22-2000	Final Rejection
09-13-2000	Date Forwarded to Examiner
09-05-2000	Response after Non-Final Action
07-18-2000	Mail Non-Final Rejection
07-17-2000	Non-Final Rejection
10-02-1998	Information Disclosure Statement (IDS) Filed
10-16-1998	Case Docketed to Examiner in GAU
09-10-1998	Application Dispatched from OIPE
08-26-1998	IFW Scan & PACR Auto Security Review
08-21-1998	Initial Exam Team nn